

# **CHAPTER 11**

## **PLANNED DEVELOPMENTS**

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### **11.1 PURPOSE**

Planned development regulations allow for development of innovative and environmentally sensitive design by allowing a degree of flexibility in the strict application of the zoning district regulations. A planned development is a special use, which may be granted by the Village Board should it determine that the planned development is in the best interest of the Village, is substantially consistent with the Comprehensive Plan and its defined Neighborhoods, and would not otherwise be permitted pursuant to this Ordinance.

The Plan Commission and Village Board may require any condition or design consideration that will promote proper development or benefit the community. In exchange for the flexibility permitted under this Chapter, the planned development should provide amenities not otherwise required by this Ordinance and establish facilities and open space greater than the minimum required by this Ordinance. It is not intended that the Board automatically grant the maximum use exceptions or density premiums in the case of each planned development. The Plan Commission shall recommend and the Board shall grant only such premiums or latitudes that are consistent with sound land use planning, Village growth policy, accrue benefits to the Village, and which are consistent with the character of the Village of Barrington.

As a condition of approval, each planned development shall be compatible with the character and objectives of the underlying zoning district or districts within which it is located, and each planned development shall be consistent with the official planning policies of the Village of Barrington. As specified in this Ordinance, planned developments shall be special uses.

### **11.2 INTENT**

The intent of the planned development option is to:

- A.** Afford greater choice in the types of development available to the public by allowing a development that would not be possible under the strict application of the other requirements of this Ordinance.
- B.** Allow for a more creative approach to the use of land and related physical facilities that results in better development, design, and the construction of amenities and protection of environmentally sensitive areas.

- C. Promote the preservation of, and where appropriate, public access to open space and provide more usable and suitably located recreation areas and facilities.
- D. Encourage a pattern of development to preserve natural resources and vistas, topographic and geographic features, and architectural and historic landmarks.
- E. Permit an efficient use of land resulting in more economic networks of utilities, streets, schools, public grounds, and buildings, and other facilities; and
- F. To encourage the use of land which promotes the public health, safety, and welfare.

### **11.3 PARTIES ENTITLED TO SEEK PLANNED DEVELOPMENT APPROVAL**

An application for a special use permit to allow a planned unit development may be filed by the owner of, or any person having a substantial contractual interest in, the subject property. The applicant shall have the entire property under unified control such that the property will be developed as a unified whole. The Village Board may also designate areas within the Village through the application of the P-D Planned Development Overlay District where development proposals would be subject to review as planned developments.

### **11.4 PLANNED DEVELOPMENT REQUIRED**

Any development or redevelopment of property requiring a building permit or site development permit shall require planned development approval, if such property is within the Planned Development Overlay District, as identified on the Official Zoning Map of the Village of Barrington.

### **11.5 PLANNED DEVELOPMENT GUIDELINES**

The following guidelines will be used by the Architectural Review Commission, Plan Commission and the Village Board to evaluate the suitability of proposed planned developments. These guidelines represent sound planning principles which should be incorporated into planned developments. However, it is not intended that each and every one of these guidelines be rigidly conformed to, provided that just cause for any departure from these guidelines is demonstrated.

- A. The planned development shall be consistent with the intent and purpose of this Zoning Ordinance, as stated in [Chapter 1](#).
- B. The planned development shall be compatible with the character of the underlying zoning district and Neighborhood in which it is located.
- C. The planned development should be consistent with the official planning policies and the Village Comprehensive Plan.
- D. The planned development should preserve the value of the surrounding residential area.
- E. Significant physical, topographical, environmentally sensitive or historical features of the site of the planned development, which are of importance to the community, should be preserved.

- F.** The entire property proposed for planned unit development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any lot shall be deemed a violation as to all owners and all lots.

## **11.6 PERMITTED EXCEPTIONS FROM DISTRICT REGULATIONS**

Exceptions from ordinance regulations shall solely be for the purpose of promoting better development that will be beneficial to the residents or occupants of the planned development, as well as those of surrounding properties. To achieve the intended benefits of the planned unit development, exceptions from the regulations of the underlying district may be authorized as follows.

### **A. Exceptions from Use Regulations.**

Uses not permitted in the underlying districts may be permitted in planned developments provided:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses of the property.
2. Proposed use exceptions are not of a nature, nor are located so as to create a detrimental influence on the surrounding properties.
3. Proposed use exceptions shall not cover more than forty (40) percent of the site area or more than forty (40) percent of the total floor area, whichever is less. However, in a residential planned unit development, no more than ten (10) percent of the site area or total floor area, whichever is less, shall be devoted to business use, and provided that such business use is integral to the nature of the planned development.

### **B. Exceptions from Bulk and Intensity Regulations.**

To help achieve the intended benefits of the planned development, exceptions from the bulk and intensity regulations for the underlying district may be authorized provided:

1. In residential planned developments, the maximum number of dwelling units permitted shall not exceed more than twenty-five (25) percent that is permitted in the underlying district.
2. In a residential planned development, common open space shall not be less than sixty (60) percent of the net site area, except in the B-4 Village Center District. In all other planned developments, common open space shall not be less than fifty (50) percent of the net site area, except in the B-4 Village Center District, or unless otherwise indicated in the Comprehensive Plan or Subdivision Regulations. Common open space may include amenities such as public or private golf courses, public plazas, passive parks, open space not within a lot, and natural site features such as lakes, ponds, and wetlands. All such areas whether privately owned, owned by a property owners association, protected by an open space easement, or to be dedicated to the Village, shall be considered in calculating the total amount of common open space.

3. Along the periphery of such planned developments, yards shall be provided as required by the regulations of the underlying zoning district.

**C. Exceptions from Standards in Other Village Ordinances.**

The Village Board may, as part of the planned development approval, grant exceptions from the standards and requirements of other Village ordinances, including but not limited to the Subdivision Ordinance, the Building Code, or the Watershed Protection Ordinance.

## **11.7 PLANNED DEVELOPMENT PROCEDURES**

A planned development may be granted as a special use in the districts in which it is permitted in accordance with the procedures and standards set forth in this Chapter. Applications shall be made on forms provided by the Village and shall be accompanied by the required plans and documents set forth in this Chapter. The application, and each step set forth herein, shall be reviewed and certified as complete by the Village and to be in accordance with the planned development requirements. The steps in the procedure are as follows:

- Step 1: Pre-Application Conference
- Step 2: Preliminary Committee of the Whole Review
- Step 3: Preliminary Plan
- Step 4: Final Plan

**A. Pre-Application Conference Procedure**

1. Request. In any case where planned development review is requested pursuant to this Section, the applicant or prospective applicant shall meet with the Zoning Official, or his designee, prior to submitting an application.
2. Required Information. Such request shall include a brief and general description of the nature, location and extent of the proposed project.
3. Procedure. Upon receipt of such request, the Village shall promptly schedule such conference and notify the applicant of the time and place of such conference and of the names and affiliations of other persons who have been invited to attend. The Zoning Official and/or Village staff representatives shall review with the applicant those criteria established in this Ordinance. The applicant shall be given general direction to assist in the development of a plan which would be consistent with requirements of this Ordinance and applicable plan policies.

**B. Preliminary Committee of the Whole Review**

1. Purpose. Preliminary Committee of the Whole Review is intended to provide the applicant an opportunity to submit to the corporate Authorities a concept plan showing the basic scope, character and nature of the proposed planned development, prior to proceeding to the Preliminary Plan phase.
2. Required Information. The applicant shall prepare and submit concept plans and other information in conformance with [Appendix A](#) and Section 11.8 of this Chapter.
3. Public Review. Public review shall be set on the agenda and conducted by the Committee of the Whole of the Board of Trustees in accordance with the

requirements of [Section 3.7](#) of this Ordinance. At the Public Review, the applicant shall be given general direction to assist in the development of a plan which would be consistent with applicable planning policies of the Village.

**C. Preliminary Plan Procedure**

1. Purpose. The preliminary plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed planned development. The preliminary plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. To permit the Village and the applicant to proceed with some assurance, approval of the preliminary plan binds the applicant and the Village with respect to the following basic elements of development:
  - a. Categories of uses to be permitted.
  - b. General location of residential and nonresidential land uses.
  - c. Overall maximum density of residential uses and intensity of nonresidential uses.
  - d. The general architectural design and building materials of the proposed development.
  - e. General location and extent of public and private open space, including recreational amenities.
  - f. General location of vehicular and pedestrian circulation systems.
  - g. General location of existing natural areas, floodplains, wetlands and buffers, both on site and adjacent to the site.
  - h. General location and supporting information for stormwater conveyance and management facilities.
  - i. Nature, scope and extent of public dedications, improvements, or contributions to be provided by the applicant.
  - j. Phasing of development.
2. Application. Applications for approval of a Preliminary Plan shall be filed in accordance with the requirements of [Section 3.7](#) of this Ordinance.
3. Preliminary Plan Submissions. The applicant shall prepare and submit plans and documents in conformance with [Appendix A](#) and Section 11.8 of this Chapter.
4. Neighborhood Meeting. The applicant shall meet with representatives of the Neighborhood in which the proposed development is to occur, in order to acquaint them with the proposed development, and to hear their concerns. A summary of the Neighborhood Meeting shall be presented at the Public Hearing.
5. Public Hearings. Public hearing shall be set, noticed and conducted by the Architectural Review Commission and Plan Commission in accordance with the requirements of [Section 3.7](#) of this Ordinance.
6. Recommendation of Architectural Review Commission. Planned developments shall be subject to the applicable standards and review procedures as outlined in [Section 3.13](#). Accordingly, after the conclusion of the Plan Commission public hearing, the Architectural Review Commission shall, with such aid and advice of Village staff, review the plan and transmit to the Plan Commission and Village

Board its findings and recommendation whether the preliminary plan be either approved, approved subject to modifications, or not approved. The Architectural Review Commission shall consider the following criteria:

- a. In what respects the building scale and massing of the proposed plan is, or is not, compatible with the surrounding neighborhood;
  - b. The extent to which the type and quality of materials used in the proposed plan are, or are not, consistent with the requirements of the Appearance Review Code;
  - c. The general appropriateness of the architectural design, in relation to the surrounding neighborhood and the design guidelines of the Village;
  - d. The extent to which the proposed building landscaping does, or does not, complement the building design, is of appropriate species, and creates an aesthetic benefit;
  - e. In what respects proposed signs associated with the plan are, or are not, of appropriate size and design for the development and surrounding neighborhood;
  - f. In what respects the proposed screening of parking, mechanicals and refuse facilities is, or is not, complementary to the overall architecture and design of the plan, and provides sufficient screening;
  - g. In what respects the overall design of the plan does, or does not, provide and aesthetic benefit to the Village.
7. Recommendation of Plan Commission. Planned developments shall be subject to the applicable standards and review procedures for special uses as outlined in [Section 3.14](#). Accordingly, after the conclusion of the public hearing, the Plan Commission shall, with such aid and advice of Village staff, review the plan and transmit to the Village Board its findings and recommendation whether the preliminary plan be either approved, approved subject to modifications, or not approved. In addition to the standards for special uses included in Subsection [3.14\(E\)](#), such review shall consider:
- a. In what respects the proposed plan is, or is not, consistent with the stated purpose of the planned development regulations and the extent to which the proposed plan meets the requirements and standards of the planned development regulations.
  - b. The general extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property and the relation of departures to the public interest.
  - c. The general extent to which the proposed plan produces, or does not produce, a public benefit, in terms of the planned unit development meeting the planning objectives and standards of the Village.
  - d. The physical design of the proposed plan and the manner in which its design does, or does not, make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
  - e. The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and Neighborhood, and the desirability of the proposed plan to the Village's physical development, tax base and economic well-being.

8. Action by Village Board of Trustees

- a. Approval or Denial. Within sixty (60) days after the receipt of the recommendation of the Plan Commission, the Village Board shall consider the recommendations of the Architectural Review Commission and the Plan Commission, and shall either: (1) approve the preliminary plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval or, (2) refer the preliminary plan back to the Architectural Review Commission and/or Plan Commission for further consideration of specified matters or, (3) to deny the application of the preliminary plan.
- b. Additional Approvals. When the Village Board approves the preliminary plan, with or without modifications, it shall also grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved provided, however, that every such approval and special use permit shall be expressly conditioned upon approval of final plans and upon the applicant's compliance with all provisions of this Ordinance.
- c. Failure to Act. The failure of the Village Board to act within such sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision granting approval of the preliminary plan.

9. Changes in a Preliminary Plan

Changes to a preliminary plan shall be classified as follows:

- a. Major Changes: Major changes shall require submission and approval of a new preliminary plan and supporting data in accordance with the requirements of Subsections 11.7.C and 11.8.B. Major changes are those which:
  - 1) Alter the overall concept or intent, or
  - 2) Change the uses and/or their general location, or
  - 3) Change by more than fifteen (15) percent the housing types, or
  - 4) Decrease the separation between buildings, or
  - 5) Increase the density, building coverage, or building height, or
  - 6) Change the architectural design or building materials, or
  - 7) Reduce the open space, or
  - 8) Change the standards of locations of roads or utilities, or
  - 9) Reduce natural areas, wetlands, or buffers, or
  - 10) Change proposed drainage, or
  - 11) Change the final governing agreement of the planned development, or
  - 12) Change the development schedule by more than six months.
- b. Minor Changes: Minor changes to an approved preliminary plan shall require the submission of a new preliminary plan, but shall require the identification of the minor changes on the final plan documents for review by the Architectural Review Commission, Plan Commission and Village Board. Minor changes are those which are not major, as approved by the Zoning Official.

**D. Final Plan Procedure**

1. Purpose. The final plan is intended to refine and implement the preliminary plan and to serve as a complete, thorough and permanent public record of the planned development and the manner in which it is to be developed.
2. Application. Within one (1) year after the date of approval of the preliminary plan or such time as agreed to in an approved phasing plan, the applicant shall file an application for final plan approval in accordance with the requirements of this Section. The application may include the entire area included in the approved preliminary plan or one (1) or more phases or units thereof in accordance with the phasing plan, if any, approved as part of the preliminary plan. The application shall refine, implement and be in substantial conformity with the approved preliminary plan.
3. Final Plan Submissions. The applicant shall prepare and submit plans and documents for review by the Plan Commission and Architectural Review Commission, in conformance with Subsection 11.8.C of this Chapter. The Architectural Review Commission shall not review final plans until the Plan Commission has completed its review of those final plans.
4. Coordination with Subdivision Regulations. When a subdivision of land subject to the Village Subdivision Regulations is proposed in connection with a planned development, application for approval of, and review of, the final plat of the proposed subdivision shall be carried out simultaneously with an application for approval and review of the final plan.
5. Recommendation by Plan Commission. Within thirty (30) days after the Zoning Official has certified the completeness of an application for approval of a final plan, the Plan Commission shall hold a public hearing, and with such aid and advice of the Village staff, review the plan and transmit to the Architectural Review Commission and Village Board its findings and recommendation whether the final plan be either approved, approved subject to modifications, or not approved. Such review shall consider:
  - a. Whether the final plan is in substantial conformity with the approved preliminary plan.
  - b. The merit, or lack of merit, of any departure of the final plan from substantial conformity with the approved preliminary plan.
  - c. Whether the final plan complies with any and all conditions imposed by approval of the preliminary plan.
  - d. Whether the final plan complies with the provisions of this Ordinance and other applicable regulations.
6. Recommendation by Architectural Review Commission. Within thirty (30) days after the Zoning Official has certified the completeness of an application for approval of a final plan and completion of the Plan Commission public hearing, the Architectural Review Commission shall hold a public hearing, and with such aid and advice of the Village staff, review the plan. Within thirty (30) days of the conclusion of such public hearing, the Architectural Review Commission shall transmit to the Village Board its findings and recommendation whether the final



plan be either approved, approved subject to modifications, or not approved. Such review shall consider:

- a. Whether the final plan is in substantial conformity with the preliminary plan approved by the Village Board of Trustees, with respect to the items in Section 11.7.C.6.
- b. The merit, or lack of merit, of any departure of the final plan from substantial conformity with the preliminary plan approved by the Village Board of Trustees, with respect to the items in Section 11.7.C.6.
- c. Whether the final plan complies with any and all conditions imposed in the preliminary plan approved by the Village Board of Trustees.
- d. Whether the final plan complies with the provisions of this Ordinance and other applicable regulations.

7. Action by Village Board of Trustees. Within sixty (60) days after the receipt of the recommendation of the Plan Commission and Architectural Review Commission, the Village Board shall either (1) approve the final plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval or, (2) refer the final plan back to the Architectural Review Commission and/or Plan Commission for further consideration of specified matters or, (3) deny the final plan.

- a. Conditions on Final Plan Approval. The approval of any final plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- b. Failure to Act. The failure of the Village Board to act as described in the first paragraph of this Section 11.7.D.7 within sixty (60) days, as required by this Section or such further time to which the applicant may agree, shall be deemed to be a decision granting final plan approval.

8. Recording of Final Plan. When a final plan is approved, the Village, shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the offices of the Village Clerk.

All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development shall provide that they may not be modified, removed, or released without the express consent of the Village Board and that they may be enforced by the Village as well as by future landowners within the proposed development.

9. Changes in the Final Plan. The development of a planned development shall be in conformance with the approved and recorded final plan documents. The approved documents shall be binding on the applicants, and their successors, grantees and assignees and shall limit and control the use, improvement, and development of the planned development. Changes in the final plan are subject to the following restrictions:

- a. Major Changes: Major changes shall require submission of a revised preliminary plan and a revised final plan in accordance with Sections 11.7.C and 11.7.D. Major changes are those which:

- 1) Alter the overall concept or intent, or
  - 2) Change the uses and/or their general location, or
  - 3) Change by more than fifteen (15) percent the housing types, or
  - 4) Decrease the separation between buildings, or
  - 5) Increase the density, building coverage, or building height, or
  - 6) Change the architectural design or building materials, or
  - 7) Reduce the open space, or
  - 8) Change the standards of locations of roads or utilities, or
  - 9) Reduce natural areas, wetlands, or buffers, or
  - 10) Change proposed drainage, or
  - 11) Change the final governing agreement of the planned development, or
  - 12) Change the development schedule by more than six months.
- b. Minor Changes: A final plan may be changed, subject to Village Board approval without modifying the preliminary plan. Minor changes are those which are not major, as approved by the Zoning Official.
- c. Authorized Administrative Changes. Changes in the location of buildings, streets and parking lots of one (1) foot or less may be approved by the Zoning Official when such changes are requested pursuant to obtaining a building permit. However, such changes shall not decrease a peripheral yard or peripheral open space.

#### **E. Revocation of Special Use Permit.**

Construction shall commence in accordance with the approved final plan, or in the case of phased developments, in accordance with the development schedule of an approved phasing plan. If construction falls one (1) year behind the approved schedule or is ahead of the approved schedule by one (1) year, the Village Board may, unless an extension or reduction of time shall have been granted, initiate an appropriate application to revoke the special use permit for all affected portions of the planned development. The developer of the development shall be notified prior to any revocation. Notification by registered or certified mail shall be considered adequate notice.

#### **F. Amendments to Final Plan Following Completion of Development.**

After completion of a planned unit development, an approved final plan may be amended, varied or altered in the same manner and subject to the same limitations, as provided for major changes in this Section.

### **11.8 SUBMISSION REQUIREMENTS**

In addition to the items included in Part I of the Appendices (Minimum Submission Requirements) where required, all plans and supporting data for planned unit development applications shall include the documentation listed below. In developing plans and specifications for all required improvements, the applicant shall also conform to the standards set forth in the Village's Subdivision Regulations and other applicable ordinances.

**A. Pre-Application Stage.**

The submission requirements for the pre-application stage shall consist of the following:

1. A written letter of intent from the applicant describing the applicant's intention for developing the site.
2. A topographic survey and location map.
3. General Site Information. Data regarding site conditions, land characteristics, general land use, zoning, available community facilities and utilities, existing covenants, and other related general information about land-uses within one-quarter (1/4) mile of the proposed site perimeter.
4. Conceptual Plan. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, lots, and other features as they are related to the site.
5. Conceptual Structures. Sketches depicting the general architecture and massing of buildings and structures on the site, and information depicting the architecture and massing of buildings and structures adjacent to the site.
6. Legal Description. A property survey and legal description of the site proposed for development.
7. Tentative plans for water supply, sewage disposal, surface drainage, open space, and other public facilities and improvements.

**B. Preliminary Plan Stage.**

The submission requirements for a preliminary planned development plan shall include the items listed in Part 1 of the Appendices (Minimum Submission Requirements) and the following additional submission items, unless waived by the Zoning Official:

1. Plan Commission:
  - a. Material required in the pre-application stage.
  - b. Fiscal impact study comparing the projected tax revenue generated by the project and the added costs for services as they will affect local government jurisdictions.
  - c. School impact study indicating the number of new students generated by the project. This information will be used in the fiscal impact study above to determine the project's impact on local school districts.
  - d. Traffic impact study indicating the daily and peak traffic generation by the project. This information will be used in the fiscal impact study above to determine the project's impact on local school districts.
  - e. Market study to evaluate the economic feasibility of the proposed development, including market acceptance of the proposed development products, comparative alignment and market absorption. The market study shall be prepared by a qualified, independent market research firm.
  - f. A construction activities plan indicating how construction activity will be controlled by addressing contractor ingress/egress, construction parking, street cleaning and pest control.

- g. Financial information including a copy of lender's commitment; MAI appraisals on the existing site and after development completion, certificate of no delinquent taxes; and financial pro forma.
- h. Proposed covenants to govern the use and maintenance of the development and ensure the continued observance of the provisions of the planned development.
- i. A narrative description of the planned development describing: the intent and desired effect of the development; the manner in which the development has been planned to take advantage of the flexibility of the planned development regulations; the superior benefits that would accrue to the residents/users of the development; all relief sought from the standard application of district requirements in conjunction with project.
- j. Proof of ownership or control of the site.
- k. A development schedule indicating:
  - 1) A description of the development phases including the public facilities to be constructed with each phase, the density and/or floor area of buildings, open space, and mix of uses in each phase.
  - 2) The approximate dates of the beginning and end of each phase.
  - 3) The area and general content of each stage shall be shown on a plat and supporting graphic material.
- l. Submission and approval of all applicable plans and materials required in the Village's Watershed Development Ordinance and Tree Preservation Ordinance.

2. Architectural Review Commission:

- a. A written letter of intent from the applicant describing the applicant's intention for developing the site.
- b. A topographic survey and location map.
- c. General Site Information. Data regarding site conditions, building architecture and characteristics, and other related general information about land uses within one-quarter (1/4) mile of the proposed site perimeter.
- d. Conceptual Plan. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of buildings and structures and their associated landscaping, major streets, lots, and other features as they are related to the site.
- e. Legal Description. A property survey and legal description of the site proposed for development.
- f. Concept drawings, depicting the general size and architectural style of buildings and structures.
- g. A description of the materials to be used in the construction of buildings and structures.

**C. Final Plan Stage.**

The final plan shall be accurately drawn in ink on material capable of producing clear and legible contact prints or photo static copies and shall show the following:

1. Identification and Description.

- a. Name of developer.
- b. Street names.
- c. Location by section, township, and range by legal description.
- d. Graphic scale and north arrow.

2. Planned Development Plat

The developer shall prepare a final detailed land use and zoning plat, suitable for recording with the County Recorder of Deeds. The purpose of the planned development plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands into common open and building areas, and to designate and limit the use of structures and land areas. The final planned development plat and supporting data shall include the following:

- a. All information for final plat is required by the Village's Subdivision Regulations.
- b. Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses for which each building will be utilized, including construction details; centerline elevations; pavement type; curbs, gutters, culverts, etc.; and a street numbering designation shall be furnished for each building.
- c. Common open space documents shall be provided including, at the election of the Village, the following information:
  - 1) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided where appropriate to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The restrictions shall be permanent, and not for a given period of years, and shall run with the land.
  - 2) Ownership and Maintenance. The final plan shall include such provisions for the ownership and maintenance of common open space, including all improvements thereto, as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the Village.
  - 3) Property Owners' Association Information. Where the ownership or maintenance of such open space or improvements to any part thereof is proposed to be by a property owners' association, such association shall meet each of the following standards:

- i. The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded shall be approved as part of the final plan prior to becoming effective.
  - ii. The by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded shall each provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this Chapter.
  - iii. The association shall be established and all covenants and restrictions shall be recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements.
  - iv. The association shall be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
  - v. Membership in the association shall be mandatory for each property owner and any successive owner having a right to the use, enjoyment or benefit of such open space or improvements.
  - vi. Every property owner having a right to the use, enjoyment or benefit of such open space or improvements shall pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
  - vii. The association shall have the right to adjust the assessment to meet changed needs by a membership vote of not more than a majority of the members voting on the issue.
  - viii. The Village shall be given the right to enforce the covenants.
  - ix. The Village shall be given the right, after ten (10) days written notice to the association, to perform any maintenance or repair work that the association has a duty to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment and, for this purpose alone, all the rights and powers of the association and its governing body under the agreements and declarations creating the association.
- d. Final Landscape plan. A final landscape plan shall be prepared in substantial conformance to the approved preliminary landscape plan. The form and content of the final landscape plan shall conform to the requirements of [Chapter 4, Part III](#) of this Ordinance.